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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,910	12/27/1999	MICHAEL C. G. LEE	71493-639	9364
33000	7590	10/19/2005	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/472,910

Applicant(s)

LEE, MICHAEL C. G.

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 37-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 37-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Response to Amendment***

2. Applicant's amendment filed 7/29/05 has been entered. Claims 2-3 and 6-7 have been amended. Claims 8-26 and 29-36 have been cancelled. Claims 37-50 have been added. Claims 2-7 and 37-50 are still pending in this application, with claims 2, 37, and 45 being independent.

#### ***Claim Rejections - 35 USC § 103***

3. Claims 2-7 and 37-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al. (U.S. Patent 6,046,762) in view of Wolff et al. (U.S. Patent 5,327,486).

As to claims 2, 37, and 45, Sonesh et al. teach an automatic call distribution (ACD) controller arranged to be coupled through at least one packet-based network (Fig. 1, 112) to a plurality of remote telephone stations (Fig. 1, remote agent workstations) and one or more attendant telephone stations (Fig. 1, 127), the ACD controller comprising call reception logic (col. 6, lines 3-5) that controls the establishment of telephone sessions between the remote telephone stations (Fig. 1, remote agent workstations) and the one or more attendant telephone stations (Fig. 1, 127); wherein the call reception logic operates to receive call initiation signals from a

particular one of the remote telephone stations (col. 7, lines 58-61); to monitor if an attendant availability parameter is met (col. 10, lines 58-61); if the attendant availability parameter is not met, to send at least one data information message to the particular remote telephone station via the at least one packet-based network (col. 10, lines 58-61); and, if the attendant availability parameter is met, to establish an audio channel between the particular remote telephone station and a particular one of the attendant telephone stations (col. 11, lines 3-6).

Sonesh et al. do not specifically teach querying the capabilities of the caller's telephone station and format the data information message prior to sending the data information message to the particular remote telephone station.

Wolff et al. teach (Abstract and col. 7, lines 5-14; col. 7, lines 5-14) identifying the caller by enabling the caller to speak to the personal telephone manager (PTM) and that the information would be translated to text for call screening either by the PTM or transmitting as text to the caller in an auditory form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of identifying the capabilities of the caller's telephone station prior to sending the information message to the caller, as taught by Wolff, in Sonesh's system in order to provide accurate information to the caller in the correct format, and to perform the callers' requested actions reliably by sending the callers the formatted data information message based upon the capabilities of the callers' telephone station. This is analogous to the old and well-known handshake process between two communication components prior to establishing communication.

For example, facsimile machines perform the handshake process to determine the capabilities of the machine (e.g., speed) prior to communicating.

As to claims 3, 38, and 46, Sonesh et al. teach the at least one packet-based network is an Internet Protocol (IP) network and the data information message is transmitted within an IP packet (col. 10, lines 50-58).

As to claims 4, 39, and 47, Sonesh et al. teach the call reception logic further operates to determine a waiting parameter (expected wait time col. 10, line 60) to be presented to a user at the particular remote telephone station, the data information message comprising waiting parameter (col. 10, lines 59-61).

As to claims 5-6, 40-41, and 48-49, Sonesh et al. teach the length of the queue and expected wait time are displayed on the caller's computer (col. 10, lines 58-61) reads on claimed "...the waiting parameter comprises a number corresponding to an order ..." and "...an estimate of the time before the attendant availability parameter will be met".

As to claims 7, 42, and 50, Sonesh et al. teach the call reception logic further operates to update the waiting parameter periodically until the attendant availability parameter is met and to send further data information signals comprising updated waiting parameters to the particular remote telephone station via the packet-based network until the attendant availability parameter is met (col. 11, lines 1-4).

As to claim 43, Sonesh et al. teach the packet network comprises a local area network coupling the ACD controller and the one or more attendant telephone stations (Fig. 1, LAN 113, ACD minicomputer).

As to claim 44, Sonesh et al. teach an ACD center comprising one or more attendant console devices (Fig. 1, 125), each of the one or more attendant console devices associated with one of the one or more attendant telephone stations (Fig. 1; col. 6, lines 48-49).

### ***Response to Arguments***

4. Applicant's arguments filed 7/29/05 have been fully considered but they are not persuasive.

Applicant argues that Wolff fails to teach that a format for the data information message is determined based upon the capabilities of the calling party or called party's device. Examiner respectfully disagrees. Wolff teaches that (col. 7, lines 5-14) the PTM 12 identifies the caller, enable the caller to speak to the PTM 12, and translates the information to text for transmission to the end user. Wolff further teaches communicating called party text message in auditory form to the caller (see abstract). Without considering of the capabilities of the calling party's telephone, Wolff would not simply converting speech from the calling party into text for the called party.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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qhn

Quynh H. Nguyen

October 17, 2005



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